



November 5, 2010

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Chief George Turner
Atlanta Police Department
226 Peachtree Street, S.W.
Atlanta, Georgia 30303

RE: Case #10-25, Complaint of Ms. Verdell Martin

Dear Chief Turner:

MAYOR of ATLANTA
KASIM REED

The Atlanta Citizen Review Board ("ACRB") completed its investigation and adjudication of Verdell Martin's complaint alleging excessive force against Officer Michael Gaither.

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Ms. Martin filed a complaint alleging that Officer Gaither forcibly pushed open the door to her house, handcuffed her and dragged her out of the apartment into an ambulance. More specifically, she said that on the day prior to the incident, she and her nephew had a disagreement and her nephew struck her in the mouth. She called 911 and an officer responded. She explained to the officer that she wanted her nephew removed from her home and said that the officer told her that someone from Metro would come by the following day to take her nephew. The next day, she heard banging at her door and when she opened the door, the same officer and EMS personnel were there. She claims that she did not know why the police were at the door. Ms. Martin said that the officer forcibly pushed the door open and this caused her to be thrown to the floor. The officer entered, handcuffed her and dragged her out of the apartment into an ambulance. She was taken to Grady Memorial Hospital.

The Incident Report produced by Officer Gaither stated that he was dispatched to Ms. Martin's home as a result of a 911 call involving an unruly child. The officer said that Ms. Martin became volatile and it was clear to him that she suffered from a mental disorder and she appeared to be a danger to herself or others.

The 911 call tapes reflect that a call was made to 911 at 7:46 a.m. and the woman caller said that she wanted a 16 year old child removed from her home because he was being unruly. The caller became agitated and hung up. The same caller called back at 8:21 a.m. and demanded that they send someone to her

residence to remove the child. The caller hung up. Officer Gaither responded to this call and reports that when he arrived, Ms. Martin was extremely demented. He asked for assistance and an ambulance and reported that Ms. Martin was running through the house and slamming doors. Lt. Richard Tellis reported to the location. There was a dispatched call on the previous day, however, Officer Byron Martin responded and reported that a guardian would keep the child for that particular night and then contact DFACS the following morning.

Loretta Woodward was listed as a witness in the incident report and she was contacted. She could not provide any information. She said that she arrived at the residence after EMS had taken Ms. Martin to the hospital.

Lieutenant Richard Tellis responded to the scene on the day of the incident. When he arrived, Officer Gaither and Schiffbauer were present and he observed that Ms. Martin appeared to be suffering from some type of mental illness and was transported to Grady Hospital.

Officer Schiffbauer stated that he responded because Officer Gaither needed assistance with a demented person. He did not recall the specific details but he explained that Ms. Martin backed further into the apartment in an attempt to get away from him and she pushed the table and grabbed a chair. He assisted in handcuffing Ms. Martin and placed her on the gurney.

Officer Gaither said that on the day of the incident, he was dispatched to Ms. Martin's residence on a family dispute. When he arrived, Ms. Martin was incoherent and delusional. He reports that Ms. Martin told him that her nephew had assaulted her and she wanted him removed from the residence. The nephew denied the accusation and after speaking with Ms. Martin, it became clear that she was not mentally stable. He notified his supervisor and requested EMS so that she could be taken to the hospital for evaluation. He reported that Ms. Martin closed the door and he asked her to open it and she complied. He placed his hand on the door to keep it open and asked the nephew to come outside. He said that Ms. Martin became agitated, grabbed a chair as if she was going to throw it at them and went back into the kitchen area. That is when he and Officer Schiffbauer decided to handcuff her. As the officers were approaching her, Ms. Martin grabbed the wall and dropped to the floor. Ms. Martin refused to walk to the ambulance so the officers picked her up and placed her on the gurney and EMS took her to the hospital. Officer Gaither remained at the residence until a relative arrived and retrieved the nephew.

The statement provided by Ms. Martin is not supported by the officers' statements or by the 911 call records. Ms. Martin appears to be mistaken. It also appears that the officers had cause to detain Ms. Martin in order for her to be transported for a mental health evaluation.

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For these reasons, ACRB staff voted unanimously to recommend that finding of Exonerated be assigned to the allegation of Excessive Force.

Please let me know if you have any questions or concerns or if you would like to have a copy of the full investigation. The ordinance requires the Chief to respond in writing regarding which recommendations are accepted, rejected, or will be implemented with modifications within thirty (30) days of the submission of a recommendation for action by the Board to the Chief.

Sincerely,



Joy Morrissey
Board Chair

cc: Mayor Kasim Reed
Council President Ceasar Mitchell
Members of Council
ACRB Board Members